

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER GAMBLE,

Plaintiff,

v.

CARSON SMITHFIELD, LLC,

Defendant.

Civil Action No. \_\_\_\_\_

20 161

FILED

JAN 09 2020

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Carson Smithfield, LLC (“Carson”), by and through its counsel, Reed Smith LLP, hereby removes this action from the Court of Common Pleas of Chester County, Pennsylvania, in which it is pending, to the United States District Court for the Eastern District of Pennsylvania. In support of this Notice of Removal, Carson states as follows:

1. Plaintiff Christopher Gamble (“Plaintiff”) commenced this action by way of Complaint filed on December 5, 2019, in the Court of Common Pleas of Chester County, Pennsylvania captioned *Christopher Gamble v. Carson Smithfield, LLC*, Docket No. 2019-12231-MJ (the “State Court Action”). A true and correct copy of the Complaint is attached hereto as **Exhibit A**.
2. Carson’s registered agent, CT Corporation System, was served with the Complaint by certified mail on December 10, 2019.
3. In the Complaint, Plaintiff seeks to recover damages for alleged violations of 15 U.S.C. § 1692, *et. seq.*, purportedly based on correspondence sent by Carson to Plaintiff. See Complaint at Ex. A.

4. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, orders, and other papers on file with the Court of Common Pleas of Chester County, Pennsylvania are attached hereto as **Exhibit A**.

5. This Notice of Removal is timely, being filed within thirty (30) days of the first day on which Carson was served with the Complaint as required by 28 U.S.C. § 1446(b).

6. The State Court Action is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(a) in that it is a civil action arising under the laws of the United States, specifically the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et. seq* (“FDCPA”).

7. The Court of Common Pleas of Chester County, Pennsylvania is located within the Eastern District of Pennsylvania. Therefore, venue in this Court is proper because the action is being removed to the “district court of the United States for the district and division embracing the place where such action is pending.” *See* 28 U.S.C. § 1441(a).

8. No proceedings have occurred before the Court of Common Pleas of Chester County, Pennsylvania other than Plaintiff’s filing of the Complaint and service upon Carson’s agent, CT Corporation System.

9. This removal is made without waiver of any defenses, including improper service of process and insufficiency of service of process.

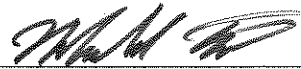
10. Written notice of the filing of this Notice of Removal will be promptly served upon Plaintiff’s counsel of record in accordance with 28 U.S.C. § 1446(d).

11. A true and correct copy of this Notice of Removal will also be promptly filed with the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania in accordance with 28 U.S.C. § 1446(d), as an attachment to Carson’s Notice of Filing of Notice of Removal.

12. No previous application has been made for the relief requested herein.

**WHEREFORE**, Carson Smithfield, LLC hereby gives notice that this action is removed from the Court of Common Pleas of Chester County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,



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Michael C. Falk  
PA I.D. No. 93187  
Reed Smith LLP  
Three Logan Square  
1717 Arch Street, Suite 3100  
Philadelphia, PA 19103  
215-851-8100  
mfalk@reedsmith.com

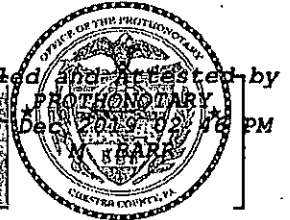
*Attorneys for Defendant  
Carson Smithfield, LLC*

Dated: January 9, 2020

# EXHIBIT A

Supreme Court of Pennsylvania  
 Court of Common Pleas  
 Civil Cover Sheet  
**CHESTER County**

For Prothonotary Use Only  
 Docket No. **2019-12231-MJ**



The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

S E C T I O N A	<b>Commencement of Action</b>	
	<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Writ of Summons
	<input type="checkbox"/> Transfer from Another Jurisdiction	<input type="checkbox"/> Declaration of Taking
	Lead Plaintiff's Name: <b>CHRISTOPHER GAMBLE</b>	Lead Defendant's Name: <b>CARSON SMITHFIELD, LLC</b>
	Are money damages requested? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dollar Amount Requested: <input checked="" type="checkbox"/> Within arbitration limits (check one) <input type="checkbox"/> outside arbitration limits
	Is this a Class Action Suit? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is this an MDJ Appeal? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name of Plaintiff/Appellant's Attorney: fred e davis, iv		
Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)		

S E C T I O N B	<b>Nature of the Case:</b> Place "X" to the left of the <b>ONE</b> case category that most accurately describes your <b>PRIMARY CASE</b> . If you are making more than one type of claim, check the one that you consider most important.		
	<b>TORT (do not include Mass Tort)</b> <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/Defamation <input type="checkbox"/> Other:	<b>CONTRACT (do not include Judgments)</b> <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other <input type="checkbox"/> Employment Dispute: <input type="checkbox"/> Discrimination <input type="checkbox"/> Employment Dispute: Other <input type="checkbox"/> Other	<b>CIVIL APPEALS</b> Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other:
	<b>MASS TORT</b> <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other:	<b>REAL PROPERTY</b> <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other:	<b>MISCELLANEOUS</b> <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgement <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations <input type="checkbox"/> Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input checked="" type="checkbox"/> Other:
	<b>PROFESSIONAL LIABILITY</b> <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional		

2019-12231-MJ

**Chester County  
Court of Common Pleas  
Cover Sheet**

Docket No:

**2019-12231-MJ**

Plaintiff(s): (Name, Address) <p align="center"><b>CHRISTOPHER GAMBLE</b> 2756 PRATT STREET PHILADELPHIA, PA 19137</p>	Plaintiff's/Appellant's Attorney(circle one) (Name, firm, address, telephone and attorney ID#) <p align="center"><b>fred e davis, iv</b> (855) 432-8475 davis consumer law firm attorney ID#: 093907 2300 Computer Rd Suite G39 Willow Grove, PA 19090</p>
Defendant(s): (Name, Address) <p align="center"><b>CARSON SMITHFIELD, LLC</b> 1209 ORANGE STREET WILMINGTON, DE 19801</p>	Are there any related cases? Please provide case nos.
<p align="center"><b>Defendants who are proceeding without counsel are strongly urged to file with the Prothonotary a written statement of an address AND a telephone number at which they can be reached</b></p>	
Commencement of Action (if applicable): <input type="checkbox"/> Agreement for an Amicable Action <input type="checkbox"/> Motion to Confirm Arbitration Award <p align="center">Notice of Appeal</p>	
If this is an appeal from a Magisterial District Judgement, was appellant <input type="checkbox"/> Plaintiff or <input type="checkbox"/> Defendant in the original action?	
<p align="center">Jury Trial Demanded <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p align="center">Nature of case if not on previous cover sheet - Please choose the most applicable</p>	
<input type="checkbox"/> Annulment <input type="checkbox"/> Custody - Conciliation Required <input type="checkbox"/> Custody - Foreign Order <input type="checkbox"/> Custody - No Conciliation Required <input type="checkbox"/> Divorce - Ancillary Relief Request <input type="checkbox"/> Divorce - No Ancillary Relief Requested <input type="checkbox"/> Foreign Divorce <input type="checkbox"/> Foreign Protection from Abuse <input type="checkbox"/> Paternity <input type="checkbox"/> Protection from Abuse <input type="checkbox"/> Standby Guardianship	<input type="checkbox"/> Writ of Certiorari <input type="checkbox"/> Injunctive Relief <input type="checkbox"/> Mechanics Lien Claim <input type="checkbox"/> Issuance of Foreign Subpoena <input type="checkbox"/> Name Change <input type="checkbox"/> Petition for Structured Settlement
<b>Arbitration Cases Only</b> Arbitration Date <input type="text" value="2020-06-05"/> Arbitration Time <input type="text" value="09:00:00"/> Defendants are cautioned that the scheduling of an arbitration date does not alter the duty of the defendant to respond to the complaint and does not prevent summary disposition form occurring prior to the arbitration date. This matter will be heard by a Board of Arbitrators at the time and date specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial <i>de novo</i> on appeal from a decision entered by a judge.	<b>Notice of Trial Listing Date</b> Pursuant to C.C.R.C.P. 249.3, if this case is not subject to compulsory arbitration it will be presumed ready for trial twelve (12) months from the date of the initiation of the suit and will be placed on the trial list one (1) year from the date the suit was filled unless otherwise ordered by the Court.  To obtain relief from automatic trial listing a party must proceed pursuant to C.C.R.C.P. 249.3(b), request an administrative conference and obtain a court order deferring the placement of the case on the trial list until a later date.
<p><b>File with:</b> Chester County Justice Center, Prothonotary Office, 201 W. Market St., Ste. 1425, PO Box 2746, West Chester, PA 19380-0989</p>	

2019-12231-MJ

Fred Davis, Esq.  
Identification No. 93907  
DAVIS CONSUMER LAW FIRM  
500 OFFICE CTR DR-STE 400  
FT. WASHINGTON, PA 19034  
(T)1-855-432-8475/(F)1-855-435-9294  
[fdavis@usacreditlawyer.com](mailto:fdavis@usacreditlawyer.com)

ATTORNEY FOR PLAINTIFF

THIS IS AN ARBITRATION MATTER  
ASSESSMENT OF DAMAGES  
HEARING IS REQUESTED.



CHRISTOPHER GAMBLE  
2756 Pratt Street  
Philadelphia, PA  
19137-2138

*Plaintiff*

v.

CARSON SMITHFIELD, LLC  
1209 Orange Street  
Wilmington, DE  
19801

*Defendant*

COURT OF COMMON PLEAS  
CHESTER COUNTY

CIVIL ACTION

DOCKET NO.:

**NOTICE TO DEFEND**  
**CODE: 1900**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**CHESTER COUNTY BAR ASSOCIATION-LAWYER REFERRAL& INFO SERVICE**

Chester Bar Association  
15 W Gay St #2,  
West Chester, PA  
19380  
Phone: (610) 692-1889

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas de estas demandas expuestas an las paginas signientes, usted tiene veinte (20) dias de plazo al partir de ia fecha de la demanda y ia notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, le corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u ostros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**SERVICIO DE REFERENCIA LEGAL**

Colegio de Abogados de Chester

15 W Gay St #2,

West Chester, PA

19380

Phone: (610) 692-1889



Fred Davis, Esq.  
Identification No. 93907  
DAVIS CONSUMER LAW FIRM  
500 OFFICE CTR DR-STE 400  
FT. WASHINGTON, PA 19034  
(T)1-855-432-8475/(F)1-855-435-9294  
[fdavis@usacreditlawyer.com](mailto:fdavis@usacreditlawyer.com)

ATTORNEY FOR PLAINTIFF

THIS IS AN ARBITRATION MATTER  
ASSESSMENT OF DAMAGES  
HEARING IS REQUESTED.



CHRISTOPHER GAMBLE  
2756 Pratt Street  
Philadelphia, PA  
19137-2138

*Plaintiff*

v.

CARSON SMITHFIELD, LLC  
1209 Orange Street  
Wilmington, DE  
19801

*Defendant*

COURT OF COMMON PLEAS  
CHESTER COUNTY

CIVIL ACTION

DOCKET NO.:

**COMPLAINT**

1. Plaintiff, CHRISTOPHER GAMBLE, is an adult individual citizen and legal resident of the State of Pennsylvania, living at 2756 Pratt Street, Phila., PA, 19137-2138.

2. Defendant, CARSON SMITHFIELD, LLC, is a business corporation qualified to and regularly conducting business in, the Commonwealth of Pennsylvania, with its legal residence and principal place of business at 1209 Orange Street, Wilmington, DE 19801. Defendant can be served at that address.

3. Plaintiff avers that at all times material hereto, Defendant acted by and through its authorized agents, servants, officers, and/or employees, including Defendant, all of whom were acting within the scope of their employment.

**JURISDICTION AND VENUE**

4. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction”.

5. Defendant regularly conducts business in the State of Pennsylvania and in the County of Chester, therefore, personal jurisdiction is established.

6. Venue is proper in Chester County pursuant to Pennsylvania Rule(s) of Civil Procedure 1006 and 2179.

7. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

**PARTIES**

8. Plaintiff is a natural person residing in Phila., PA. Some/all of the transactions comprising the alleged debt occurred in Chester County.

9. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3). The transactions comprising the alleged debt were for consumer related purchases, such as household hoods, food, clothing, etc.

10. Defendant, CARSON SMITHFIELD, LLC, is a company handling debt collection matters with headquarters located at 1209 Orange Street, Wilmington, DE 19801.

11. Defendant is a debt collector as that term is defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff, as the alleged debt in questions stems from the acquisition of personal goods and services, such as household items, clothing, groceries, etc.

12. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**FACTUAL ALLEGATIONS**

13. Throughout the past year, Defendant has contacted Plaintiff attempting to collect a debt it alleges originated with Nationwide Bank in the amount of \$7,514.04.

14. Plaintiff alleges and avers that Defendant misrepresented the status and legal nature of the alleged account, as there is no proof Defendant owed anything to Nationwide Bank, or currently owes anything to "MERRICK BANK CORPORATION" and Defendant thereby violated 15 U.S.C §1692e.

15. Plaintiff alleges and avers that Defendant repeatedly and continuously called Plaintiff telephonically, as well as unrelated third-parties, at irregular times and places, and often times failed to identify itself and inform Plaintiff of his rights, in violation of 15 U.S.C. §§ 1692c(a)(1) and d.

16. Plaintiff alleges and avers that Defendant sought to collect amounts comprised largely of improper fees and/or interest, and Defendant's collection efforts were thus in violation of 15 U.S.C. §§1692e and f.

17. Plaintiff alleges and avers that Defendant failed to inform Plaintiff that litigation premised on the alleged debt is outside the relevant statute of limitations, and further that any communications regarding the alleged debt could ~~re~~-start that statute, and Defendant thereby violated 15 U.S.C. §§1692e and f.

18. Plaintiff alleges and avers that Defendant's letter failed to adequately apprise Plaintiff of his rights, and Defendant thereby violated 15 U.S.C. §1692g.

19. Plaintiff alleges and avers that Defendant cryptically informed Plaintiff that a dispute regarding the validity of the alleged debt was considered "resolved" by Defendant, thereby leaving Plaintiff under the impression he had waived any rights to defend/dispute the debt and had to pay, in violation of 15 U.S.C. §§ 1692e(1) and f(2).

20. Plaintiff further alleges and avers that despite receiving notice that Plaintiff disputed the debt, Defendant failed to timely notify the relevant credit bureau and update the status of the alleged debt as disputed. Plaintiff alleges and avers that Defendant thereby communicated false credit information about Plaintiff, in violation of 15 U.S.C. § 1692e(8).

21. Plaintiff further alleges and avers that there is no credible proof of any written agreement by and between Plaintiff and Nationwide Bank evidencing the existence of an account, or authorizing third-party collection or assignment of the account, nor is there any credible proof of any sale or assignment of any such account to Merrick Bank Corporation of 15 U.S.C. §§ 1692e(2), (5) and f(1).

**COUNT I**  
**THE FAIR DEBT COLLECTION PRACTICES ACT ("FDCPA")**

22. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or more of the following ways:

- a. Harassing, oppressing or abusing Plaintiff in connection with the collection of a debt in violation of 15 U.S.C. § 1692d.
- b. Using misrepresentations or deceptive means to collect a debt in violation of 15 U.S.C. § 1692e(10).
- c. Using unfair or unconscionable means to collect a debt in violation of 15 U.S.C. § 1692f.
- d. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

WHEREFORE, Plaintiff, CHRISTOPHER GAMBLE, respectfully prays for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages of \$1,000.00 for each violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable Court.

**COUNT TWO**  
**THE PENNSYLVANIA UNFAIR TRADE PRACTICES ACT AND CONSUMER PROTECTION LAW ("UFTPL")**

23. Plaintiff hereby incorporates all facts and allegations specified in paragraphs above, by reference as if fully set forth at length.

24. Plaintiff is a "Person" as defined by 73 P.S. § 201-2(2).

25. Defendant is a "Person(s)" as defined by 73 P.S. § 201-2(2).

26. The Pennsylvania Unfair Trade Practices and Consumer Protection Act, 73 P.S. § 201-2(4), defines "unfair or deceptive acts or practices" to include the following:

(a) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services;

(b) Causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, another;

(c) Engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding.

(d) Any violation of 73 Pa. Cons. Stat. Ann. § ~~2270~~.

27. Plaintiff alleges and avers that Defendants violated the Act by misrepresenting that any debt was owed, and further by claiming that improper fees and exorbitant charges were part of the alleged debt, and that Defendant's conduct complained of herein paragraphs amounts to violations of the Fair Credit Uniformity Extension Act, 73 Pa. C.S. § 2270, *et seq*, and is thus a concomitant violation of the Unfair Trade Practices Act.

28. Plaintiff further alleges and avers that Defendant's misreporting of credit information and misrepresentations surrounding the alleged debt was done solely to confuse and deceive Plaintiff into thinking the debt was legitimate, and Defendant thereby violated the Act.

29. The UTPCPL authorizes the Court, in its discretion, to award up to three (3) times the actual damages sustained for violations, and/or \$100.00 for statutory damages. Plaintiff avers entitlement to all actual and statutory damages, as well as written confirmation that Defendant has properly reported to the relevant credit bureaus accurate information surrounding the invalidation of the bogus "debt", plus treble that amount, and attorney fees and costs, for Defendant's per se and statutory violations of Pennsylvania Law.

DAVIS CONSUMER LAW FIRM

By: Fred Davis, PA ID #93907  
Attorney for Plaintiff, CHRISTOPHER GAMBLE  
500 Office Center Drive-Suite 400  
Ft. Washington, PA 19034  
Tel – 1-855-432-8475/Facsimile-1-855-435-9294  
Email: fdavis@usacreditlawyer.com

**VERIFICATION**

Fred Davis, states that he is the attorney for the Plaintiff herein; that he is acquainted with the facts set forth in the foregoing Complaint; that same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the Penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsifications to authorities.

**DAVIS CONSUMER LAW FIRM**

By: Fred Davis-PA ID# 93907  
Attorney for Plaintiff, CHRISTOPHER GAMBLE  
500 Office Center Drive-Suite 400  
Ft. Washington, PA 19034  
Tel – 1-855-432-8475/Facsimile-1-855-435-9294  
Email: fdavis@usacreditlawyer.com

**CERTIFICATE OF SERVICE**

I, Michael C. Falk, hereby certify that on this 9th day of January, 2020, a true and correct copy of the foregoing Notice of Removal was filed electronically and is available for viewing and downloading from the Court's ECF system. I further certify that the following counsel will be served by overnight courier:

Fred Davis, Esquire  
Davis Consumer Law Firm  
500 Office Center Drive-Suite 400  
Ft. Washington, PA 19034

FILED

JAN 09 2020

MADE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk



Michael C. Falk



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

CHRISTOPHER GAMBLE

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Philadelphia

(c) Attorneys (Firm Name, Address, and Telephone Number)

Fred Davis, Davis Consumer Law Firm

500 Office Center, Suite 400

Ft. Washington, PA 19034; tel. 855-432-8475

## DEFENDANTS

CARSON SMITHFIELD, LLC

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Michael C. Falk, Reed Smith LLP

1717 Arch Street, Suite 3100

Philadelphia, PA 19103; tel. 215-851-8100

## II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT

(Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. § 1692Brief description of cause:  
Alleging violations of the Fair Debt Collection Practices Act and PA Unfair Trade Practices Act

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

JAN - 9 2020

DATE  
01/09/2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

CHRISTOPHER GAMBLE

CIVIL ACTION **20** **161**

v.

CARSON SMITHFIELD, LLC

NO.


In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

January 9, 2020

Date

  
 Attorney-at-law

Carson Smithfield, LLC

Attorney for

215-851-8100

Telephone

215-851-1420

FAX Number

mfalk@reedsmith.com

E-Mail Address

(Civ. 660) 10/02

JAN -9 2020

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

20

161

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Christopher Gamble, 2756 Pratt Street, Philadelphia, PA 19137

Address of Defendant: Carson Smithfield, LLC, 1209 Orange Street, Wilmington, DE 19801

Place of Accident, Incident or Transaction: Chester County, PA

## RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when Yes is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 01/09/2020

\_\_\_\_\_  
Attorney-at-Law / Pro Se Plaintiff

93187

\_\_\_\_\_  
Attorney I.D. # (if applicable)

## CIVIL: (Place a ✓ in one category only)

## A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FEELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☒ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases  
(Please specify): Fair Debt Collection Practices Act

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☐ Relief other than monetary damages is sought.

JAN - 9 2020

DATE: \_\_\_\_\_ Sign here if applicable

\_\_\_\_\_  
Attorney-at-Law / Pro Se Plaintiff\_\_\_\_\_  
Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.